

SUMMARY MEETING MINUTES
DARIEN ZONING BOARD OF APPEALS (ZBA)
January 16, 2013

REGULAR MEETING

Darien Town Hall - Room 206 – 7:48 to 10:39 PM

ZBA members present: Gary Greene, Vic Capellupo, Stephen Olvany, Rich Wood,
Jeff Williams and Ruth Anne Ramsey

Staff Present: Code Compliance Officer Robert Woodside and Recorder Judy Fazekas

OPENING

ZBA Chair Gary Greene opened the meeting at 7:48PM. He requested cooperation and explained several procedural steps that would be used to conduct the meeting following the posted Agenda.

CONTINUATION OF PUBLIC HEARINGS

CALENDAR NO. 45-2012

The following hearing was continued from the October 17, 2012, November 14, 2012 and December 12, 2012 meetings with various plans and submitted application materials reviewed, possible correspondence and public comment considered, questions asked, and comments made by the ZBA members and Staff.

The application of Kathleen and Hugh Golden filed on September 19, 2012 for an interpretation of Section 385 and a variance of Section 334 of the Darien Zoning Regulations, to allow the construction of a replacement two story dwelling; Section 385: a determination that the subject lot is a legal nonconforming building lot with 80.0 in lieu of 100.0 feet minimum required lot width, and 16,795 in lieu of 21,780 minimum required lot area, and can be properly developed with adequate related site improvements; and Section 334: construction on a building lot with 80.0 in lieu of 100.0 feet minimum required lot width. The property is situated on the south side of Sunset Road approximately 1,000 feet east of the intersection of Mansfield Avenue and Sunset Road and is shown on Assessor's Map #15 as Lot #80, being 22 Sunset Road and located in an R-1/2 (residential) Zone.

Hugh Golden answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

CALENDAR NO. 51-2012

The following hearing was continued from the December 12, 2012 and January 9, 2013 meetings with various plans and submitted application materials reviewed, possible correspondence and public comment considered, questions asked, and comments made by the ZBA members and Staff.

The application of Luke Raymond filed on November 14, 2012 for variances of Section 406 of the Darien Zoning Regulations; to allow the installation of a propane tank; Section 406: 9.7 in lieu of 15.0 feet minimum required south side yard setback, and 21.36% in lieu of 20.0% maximum allowable coverage. The property is situation on the east side of Nearwater Lane approximately 80 feet south of the intersection of Nearwater Lane and Shipway Road and is shown on Assessor's Map #55 as Lot #2, being 178 Nearwater Lane and located in the R-NBD (Noroton Bay District - Residential) Zone.

Luke Raymond answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

PUBLIC HEARINGS

The following hearings were held with various plans and submitted application materials reviewed, possible correspondence and public comment considered, questions asked, and comments made by the ZBA members and Staff:

CALENDAR NO. 56-2012 - the application of Lawrence J. Loustaunau and Architectural Woodworks on behalf of Louis Benedetto filed on December 19, 2012 for an interpretation under Section 337 and variances of Sections 332 and 334 of the Darien Zoning Regulations, to allow the construction of two residences; Section 337: a determination as to the proper application of the Zoning Regulation requirements; Section 332: 0.0 in lieu of 50.0 feet minimum required lot frontage on a street; Section 334: construction on a portion of a lot with 97.0 in lieu of 100.0 feet minimum required lot depth. The property is situated at the end of a right of way on the north side of Raymond Street approximately 380 feet east of the intersection of Cliff Avenue and Raymond Street and is also situated at the end of Carolyn Court approximately 300 feet west of the intersection of Carolyn Court and Rowayton Avenue in Norwalk and is shown on Assessor's Map #36 as Lots #107 and 108, being 000 Raymond Street and located in an R-1/5 (residential) Zone.

Larry Loustaunau answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Lou Benedetto provided historical property facts. Mary Anne Morrison supported the plan. David Dauk, Marlene Cohen and Beth Mazzotta expressed concern and opposition to the application. Margarite Lowenthal supported various aspects of the application and opposed other aspects of the application.

The ZBA determined that additional clarification of the project circumstances was necessary. The Public Hearing was then continued to the next ZBA meeting on February 13, 2013.

CALENDAR NO. 57-2012 - the application of Douglas VanderHorn and Hilton-VanderHorn Architects on behalf of Heather and Mark Wright filed on December 19, 2012 for variances of Sections 416 and 350 of the Darien Zoning Regulations, to allow the raising of the existing residence, the construction of additions and entry stairs and the installation of a generator; Section 416: 25.9 in lieu of 30.0 feet minimum required Waverly Road front yard setback, 24.2 in lieu of 30.0 feet minimum required Shipway Road front yard setback and 14.5 in lieu of 15.0 feet minimum required side yard setback for the residence and additions; 10.5 in lieu of 15.0 feet minimum required side yard setback for the generator; construction of additional building volume on a lot with 20.3 in lieu of 20.0% maximum allowable building coverage; and Section 350: 21.6 in lieu of 27.0 minimum required Waverly Road front yard setback and 24.4 in lieu of 27.0 minimum required Shipway Road front yard setback for the entry stairs. The property is situated at the southwest corner of the intersection of Shipway Road and Waverly Road and is shown on Assessor's Map #55 as Lot #26, being 26 Waverly Road and located in the R-NBD (Noroton Bay District - Residential) Zone.

Doug VanderHorn answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

CALENDAR NO. 58-2012 - the application of Chad Nehring, AIA and Nehring + Associates Architecture on behalf of Peter Sikora filed on December 19, 2012 for variances of Sections 416 and 350 of the Darien Zoning Regulations, to allow the raising of the existing residence, the construction of additions and entry stairs; Section 416: 12.0 in lieu of 15.0 feet minimum required north side yard setback, 13.5 in lieu of 15.0 feet minimum required south side yard setback, and 26.0 in lieu of 30.0 feet minimum required front yard setback for the residence and additions; if necessary, construction of additional building volume on a lot with 25.67 in lieu of 20.0% maximum allowable building coverage; and Section 350: 20.0 in lieu of 27.0 feet minimum required front yard setback for the entry stairs. The property is situated on the west side of Mayflower

Road approximately 385 feet south of the intersection of Mayflower Road and Shipway Road and is shown on Assessor's Map #55 as Lot #45, being 16 Mayflower Road and located in the R-NBD (Noroton Bay District – Residential) Zone.

Chad Nehring answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

CALENDAR NO. 59-2012 - the application of Amy Zabetakis and Rucci Law Group, LLC on behalf of Kleban Day Street, LLC filed on December 19, 2012 for an appeal under Section 1122 of the Darien Zoning Regulations of the order, requirement, decision, and/or determination of the Zoning Enforcement Officer, in order to allow a first floor personal service business use. The property is situated at the southwest corner formed by the intersection of Boston Post Road and Day Street and is shown is Assessor's Map #73 as Lot #15, being 1015 Boston Post Road and located in the CBD (commercial) Zone.

Dave Keating, Zoning Enforcement Officer, and Amy Zabetakis answered various questions and explained the appeal as described in the application materials. Bob Maslan spoke in opposition to the application. The Public Hearing was then closed.

DELIBERATIONS AND DECISIONS

The following decisions were made after the ZBA members reviewed the public hearing comments, the submitted plans and other application materials, and carefully considered possible stipulations to ensure the best possible project fit among the neighboring properties:

CALENDAR NO. 45-2012 - The application of Hugh and Kathleen Golden, 22 Sunset Road. Upon a motion by Gary Greene, seconded by Jeff Williams, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested interpretation and variance. Gary Greene, Vic Capellupo, Rich Wood, Stephen Olvany, and Jeff Williams voted in favor of the motion.

CALENDAR NO. 51-2012 - The application of Luke Raymond, 178 Nearwater Lane. Upon a motion by Stephen Olvany, seconded by Gary Greene, the ZBA voted 5-0 to GRANT the above delineated, requested variances. Gary Greene, Vic Capellupo, Rich Wood, Stephen Olvany, and Jeff Williams voted in favor of the motion.

CALENDAR NO. 57-2012 - The application of Douglas VanderHorn and Hilton-VanderHorn Architects on behalf of Heather and Mark Wright, 26 Waverly Road. Upon a motion by Steve Olvany, seconded by Jeff Williams, the ZBA voted 5-0 to GRANT the above delineated, requested variances. Gary Greene, Vic Capellupo, Rich Wood, Stephen Olvany, and Jeff Williams voted in favor of the motion.

CALENDAR NO. 58-2012 - The application of Chad Nehring, AIA and Nehring + Associates Architecture on behalf of Peter Sikora, 16 Mayflower Road. Upon a motion by Jeff Williams, seconded by Steve Olvany, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances. Gary Greene, Vic Capellupo, Rich Wood, Stephen Olvany, and Jeff Williams voted in favor of the motion.

CALENDAR NO. 59-2012 - The application of Amy Zabetakis and Rucci Law Group, LLC on behalf of Kleban Day Street, LLC, 1015 Boston Post Road. Upon a motion by Ruth Anne Ramsey, seconded by Rich Wood, the ZBA voted 5-0 to DENY the above order, requirement, decision, and/or determination. Gary Greene, Vic Capellupo, Rich Wood, Ruth Anne Ramsey, and Jeff Williams voted in favor of the motion.

OTHER BUSINESS

The following additional decisions were made after the ZBA members reviewed the submitted documents, correspondence and/or project plans:

Requested amendment to the approved plans of Calendar No. 27-2012, Alexander & Diviya Magaro, 203 Long Neck Point Road.

Upon a motion by Gary Greene, seconded by Ruth Anne Ramsey, the ZBA voted 5-0 to DENY the requested amendment. Gary Greene, Vic Capellupo, Rich Wood, Ruth Anne Ramsey, and Jeff Williams voted in favor of the motion.

Approval of Summary Minutes of meeting on December 12, 2012. ZBA members attending this meeting were Vic Capellupo, Ruth Anne Ramsey, Rich Wood and John Ashburne.

This matter was tabled until the next scheduled ZBA meeting on February 13, 2013.

Discussion and possible recommendations for Zoning Regulation changes to the Planning & Zoning Commission.

Gary Greene asked Board members to review draft changes and respond at the next meeting with any comments or suggestions.

ADJOURNMENT

Upon a motion by Gary Greene, seconded by Rich Wood, and a ZBA vote of 6-0, the meeting was adjourned at 10:39 PM. Gary Greene, Vic Capellupo, Rich Wood, Stephen Olvany, Ruth Anne Ramsey, and Jeff Williams voted in favor of the motion.

These Meeting Minutes,
Respectfully submitted January 30, 2013,
by Robert Woodside,
Code Compliance Officer
ZBA Staff

These Minutes were reviewed by the attending ZBA members, modified as necessary, and upon a motion by Vic Capellupo, seconded by Stephen Olvany, approved by a vote of 4-0 at the ZBA meeting on March 13, 2013. Vic Capellupo, Stephen Olvany, Rich Wood and Ruth Anne Ramsey voted in favor of the motion. Gary Greene and Jeff Williams also indicated their approval.